

### REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 28 through 39 are pending, with Claims 28, 32, 36, 37, 38, and 39 being independent. Claims 28 through 39 have been amended. The specification has been amended to correct typographical matters.

### REQUEST FOR RETURN OF FORM PTO-1449

Applicant respectfully notes that the October 27, 2003 Form PTO-1449 has not had the non-patent documents initialed, and Applicant respectfully requests that said form be so initialed and returned to Applicants.

### FURTHER REMARKS

Claim 30 was objected to for an informality, and has been amended as kindly suggested in the Official Action.

Claims 38 and 39 were rejected under 35 U.S.C. § 101 as being non-statutory. All rejections are respectfully traversed, and are submitted to have been obviated by the amendment of those claims in a manner earnestly believed to avoid the grounds of rejection, viz, the claims have been amended to change “a program for executing” to --a computer-executable program for making a computer execute--, i.e., the claims are limited to functional descriptive material embodied in a computer-readable medium which is, according to MPEP 2106(IV)(B)(1), *per se* statutory (page 2100-12).

Claims 28 and 30 through 39 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,206,721 (Ashida, et al.). Claims 28 and 29 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,790,178 (Shibata, et al.). All rejections are respectfully traversed.

Claims 28, 36, and 38 variously recite, *inter alia*, displaying an image to indicate a photographable range of the image pickup operation of the image pickup device (in combination with setting a portion of the image, thereby setting a restricted photographable range, and exchanging).

Claims 32, 37, and 39 variously recite, *inter alia*, displaying an image to indicate a photographable range of the image pickup operation of the image pickup device (in combination with setting a portion of the image, thereby setting a restricted photographable range, and restricting).

(By way of example, and not of limitation, the Examiner's attention is respectfully directed to, e.g., Fig. 43, items a3 and b4.)

However, Applicant respectfully submits that neither Ashida, et al. nor Shibata, et al. discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 28, 32, 36, 37, 38, and 39. Applicant respectfully submits that Ashida, et al. shows, e.g., in Fig. 9, combining 101-1 and 102-2 and applying the same to display apparatus 104, while Shibata, et al. shows, e.g., in Figs. 3 and 4, a PinP display. However, Applicant respectfully submits that neither the foregoing nor the remainder of these documents provides either a description or a suggestion of at least the above-discussed claimed features as recited, *inter alia*, in Claims 28, 32, 36, 37, 38, and 39. It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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